

EXHIBIT "A"

WHITE AND WILLIAMS LLP

BY: Christopher Konzelmann

Identification No: 027971990

LibertyView | 457 Haddonfield Road, Suite 400 |

Cherry Hill, NJ 08002-2220

856.317.3600

Attorneys for Plaintiff, Lexington Insurance Company

LEXINGTON INSURANCE COMPANY as
subrogee of UNION ELECTRIC STEEL
CORPORATION

Plaintiff,

v.

RED HOOK CONTAINER TERMINAL, LLC

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ESSEX COUNTY

DOCKET NO.: ESX-L-3116-14

CIVIL ACTION

SUMMONS

From The State of New Jersey To The Defendant Named Above:

RED HOOK CONTAINER TERMINAL, LLC

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you receive it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford to pay an attorney, you may call the Legal Services Office in the county where you live. A list of these offices is provided. If you do not have an attorney and are

not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the lawyer referral services. A list of these offices is provided.

Dated: May 9, 2014 //s// Michelle M. Smith, Esq.
Michelle M. Smith, Esq.
Office of the Superior Court Clerk

Name of Defendant to be served: Red Hook Container Terminal, LLC
Address of Defendant to be served: 138 Marsh Street
Port Newark, NJ 07114

**Directory of Superior Court Deputy Clerk's Offices
County Lawyer Referral and Legal Services Offices**

ATLANTIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401

LAWYER REFERRAL: (609) 345-3444

LEGAL SERVICES: (609) 348-4200

BERGEN COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Room 115
Justice Center, 10 Main St.
Hackensack, NJ 07601

LAWYER REFERRAL: (201) 488-0044

LEGAL SERVICES: (201) 487-2166

BURLINGTON COUNTY:

Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Rancocas Rd.
Mt. Holly, NJ 08060

LAWYER REFERRAL: (609) 261-4862

LEGAL SERVICES: (800) 496-4570

CAMDEN COUNTY:

Deputy Clerk of the Superior Court
Civil Processing Office
Hall of Justice
1st Fl., Suite 150
101 South 5th Street
Camden, NJ 08103

LAWYER REFERRAL: (856) 964-4520

LEGAL SERVICES: (856) 964-2010

CAPE MAY COUNTY:

Deputy Clerk of the Superior Court
9 N. Main Street
Cape May Court House, NJ 08210

LAWYER REFERRAL: (609) 463-0313

LEGAL SERVICES: (609) 465-3001

CUMBERLAND COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
60 West Broad Street
P.O. Box 10
Bridgeton, NJ 08302

LAWYER REFERRAL: (856) 696-5550

LEGAL SERVICES: (856) 691-0494

ESSEX COUNTY:

Deputy Clerk of the Superior Court
Civil Customer Service
Hall of Records, Room 201
465 Dr. Martin Luther King Jr. Blvd.
Newark, NJ 07102

LAWYER REFERRAL: (973) 622-6204

LEGAL SERVICES: (973) 624-4500

GLOUCESTER COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake
First Fl., Court House
1 North Broad Street
Woodbury, NJ 08096
LAWYER REFERRAL (856) 848-4589
LEGAL SERVICES (856) 848-5360

HUDSON COUNTY:

Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Brennan Court House—1st Floor
583 Newark Ave.
Jersey City, NJ 07306

LAWYER REFERRAL (201) 798-2727

LEGAL SERVICES (201) 792-6363

HUNTERDON COUNTY:

Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08822

LAWYER REFERRAL (908) 735-2611

LEGAL SERVICES (908) 782-7979

MERCER COUNTY:

Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 S. Broad Street, P.O. Box 8068
Trenton, NJ 08650

LAWYER REFERRAL (609) 585-6200
LEGAL SERVICES (609) 695-6249

MIDDLESEX COUNTY:

Deputy Clerk of the Superior Court,
Middlesex Vicinage
2nd Floor - Tower
56 Paterson Street, P.O. Box 2633
New Brunswick, NJ 08903-2633

LAWYER REFERRAL (732) 828-0053
LEGAL SERVICES (732) 249-7600

MONMOUTH COUNTY:

Deputy Clerk of the Superior Court
Court House
P.O. Box 1269
Freehold, NJ 07728-1269

LAWYER REFERRAL (732) 431-5544
LEGAL SERVICES (732) 866-0020

MORRIS COUNTY:

Morris County Courthouse
Civil Division
Washington and Court Streets
P. O. Box 910
Morristown, NJ 07963-0910

LAWYER REFERRAL (973) 267-5882
LEGAL SERVICES (973) 285-6911

OCEAN COUNTY:

Deputy Clerk of the Superior Court
118 Washington Street, Room 121
P.O. Box 2191
Toms River, NJ 08754-2191

LAWYER REFERRAL (732) 240-3666
LEGAL SERVICES (732) 341-2727

PASSAIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton Street
Paterson, NJ 07505

LAWYER REFERRAL (973) 278-9223
LEGAL SERVICES (973) 523-2900

SALEM COUNTY:

Deputy Clerk of the Superior Court
Attn: Civil Case Management Office
92 Market Street
Salem, NJ 08079

LAWYER REFERRAL (856) 935-5629
LEGAL SERVICES (856) 451-0003

SOMERSET COUNTY:

Deputy Clerk of the Superior Court
Civil Division
P.O. Box 3000
40 North Bridge Street
Somerville, N.J. 08876

LAWYER REFERRAL (908) 685-2323
LEGAL SERVICES (908) 231-0840

SUSSEX COUNTY:

Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860

LAWYER REFERRAL (973) 267-5882
LEGAL SERVICES (973) 383-7400

UNION COUNTY:

Deputy Clerk of the Superior Court
1st Fl., Court House
2 Broad Street
Elizabeth, NJ 07207-6073


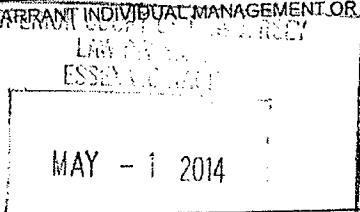

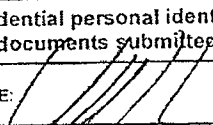
LAWYER REFERRAL (908) 353-4715
LEGAL SERVICES (908) 354-4340

WARREN COUNTY:

Deputy Clerk of the Superior Court
Civil Division Office
Court House
413 Second Street
Belvidere, NJ 07823-1500

LAWYER REFERRAL (973) 267-5882
LEGAL SERVICES (908) 475-2010

Appendix XII-B1

 CIVIL CASE INFORMATION STATEMENT (CIS) Use for initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1 Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed		FOR USE BY CLERK'S OFFICE ONLY	
		PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA	CHG/CK NO.
ATTORNEY / PRO SE NAME Christopher Konzelmann, Esquire		TELEPHONE NUMBER (215) 864-6334	COUNTY OF VENUE Essex
FIRM NAME (if applicable) White and Williams LLP		DOCKET NUMBER (when available) ESX-L3116-14	
OFFICE ADDRESS LibertyView 457 Haddonfield Road, Suite 400 Cherry Hill, NJ 08002-2220		DOCUMENT TYPE Complaint	
NAME OF PARTY (e.g., John Doe, Plaintiff) Plaintiff		CAPTION Lexington Insurance Company as subrogee of Union Electric Steel Corporation v. Red Hook Container Terminal, LLC	
CASE TYPE NUMBER (See reverse side for listing) 699	HURRICANE SANDY RELATED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.	
RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, LIST DOCKET NUMBERS	
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN	
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.			
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION			
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS	
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION			
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION	
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, FOR WHAT LANGUAGE? RECEIVED 5/7/14 #29	
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).			
ATTORNEY SIGNATURE: 			

Side 2



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)

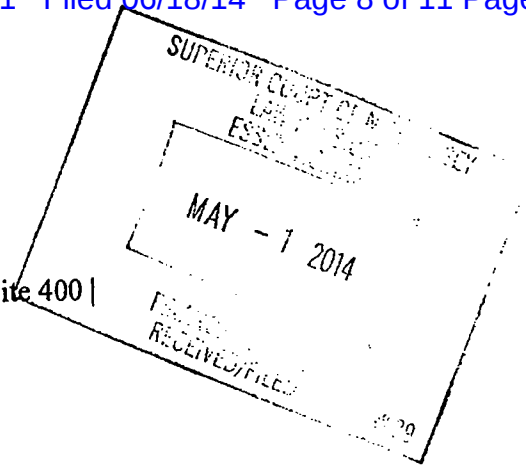
- | | |
|--|---|
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 288 PRUDENTIAL TORT LITIGATION |
| 271 ACCUTANE/ISOTRETINOLIN | 289 REGLAN |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 278 ZOMETAVAREXIA | 291 PELVIC MESH/GYNECARE |
| 279 GADOLINIUM | 292 PELVIC MESH/BARD |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 282 FOSAMAX | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 284 NUVARING | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 601 ASBESTOS |
| 287 YAZ/YASMIN/OCELLA | 623 PROPECIA |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category

☐ Putative Class Action☐ Title 59

WHITE AND WILLIAMS LLP
BY: Christopher Konzelmann
Identification No: 027971990
LibertyView | 457 Haddonfield Road, Suite 400 |
Cherry Hill, NJ 08002-2220
856.317.3600
Attorneys for Plaintiff,



LEXINGTON INSURANCE COMPANY as
subrogee of UNION ELECTRIC STEEL
CORPORATION

Plaintiff,

v.

RED HOOK CONTAINER TERMINAL, LLC

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ESSEX COUNTY

DOCKET NO.: L-3116-14
CIVIL ACTION

COMPLAINT, JURY DEMAND, RULE
4:5-1 CERTIFICATION, AND TRIAL
DESIGNATION

Plaintiff, by way of complaint against the defendant, avers as follows:

1. Plaintiff Lexington Insurance Company as subrogee of Union Electric Steel Corporation [Lexington] conducts business in the State of New Jersey and maintains offices at 175 Water Street, New York, New York.
2. Defendant Red Hook Container Terminal, LLC [Red Hook] is a New York Corporation authorized to transact business in the State of New Jersey that maintains offices at 138 Marsh Street, Port Newark, New Jersey.
3. Union Electric Steel Corporation delivered forged hardened steel rolls (steel rolls) used in cold rolling mills to the Red Hook facility between July 2012 and October 2012. The steel rolls were to be loaded on vessels and shipped to others.
4. Red Hook took possession of and stored the steel rolls at its facility before loading and shipment.

5. Forecasters began predicting a significant storm would impact the Port Newark area in late October 2012.

6. Despite predictions of the significant storm, Red Hook did not take fair and reasonable steps to ensure that the steel rolls were properly protected from the elements.

7. Hurricane Sandy impacted the Port Newark area on or about October 29, 2012. The Hurricane caused significant flooding in the Port Newark area. The flooding damaged and/or destroyed Union Electric's property.

8. Lexington Insurance Company insured the Union Electric steel rolls. Pursuant to the terms of Lexington's policy, the company would become subrogated to its insured's rights and claims against third parties responsible for causing a covered loss.

9. Union Electric submitted a claim to Lexington seeking policy benefits for the damaged steel rolls. Lexington accepted coverage and ultimately paid its insured \$4,342,459.00.

10. Lexington is subrogated to its insured's rights and claims against the third party responsible for the damage, the defendant in this litigation.

COUNT ONE

11. Plaintiff incorporates the allegations contained in the preceding paragraphs as if set forth at length.

12. Union Electric delivered steel rolls to Red Hook for storage prior to shipment.

13. There was a bailor/bailee relationship between Union Electric and Red Hook while Red Hood was storing the steel rolls.

14. Red Hook owed a duty to exercise due and reasonable care while storing the steel rolls.

15. The Union Electric steel rolls were damaged while in Red Hook's care, custody, and control.

16. Red Hook breached its duty to exercise due and reasonable care over Union Electric's property while in the company's care, custody, and control.

17. Red Hook's breach of duty was a direct and proximate cause of the loss and resulting damage.

18. Red Hook is liable for the damage to Union Electric's steel rolls under principles of bailment law.

WHEREFORE, plaintiff, as subrogee of its insured, demands judgment against the defendant for damages together with interest, attorneys fees, and cost of suit.

COUNT TWO

19. Plaintiff incorporates the allegations contained in the preceding paragraphs as if set forth at length.

20. Union Electric delivered steel rolls to Red Hook for storage prior to shipment.

21. Union Electric delivered the steel rolls to Red Hook in a good condition.

22. The steel rolls were lost or damaged while in Red Hook's possession.

23. Red Hook converted Union Electric's property while in its possession and control.

24. Red Hook is liable to plaintiff for the conversion of the steel rolls.

WHEREFORE, plaintiff, as subrogee of its insured, demands judgment against the defendant for damages together with interest, attorneys fees, and cost of suit.

JURY DEMAND

Plaintiff respectfully requests a trial by jury as to all issues presented in this matter.

CERTIFICATION PURSUANT TO RULE 4:5-1

Pursuant to Rule 4:5-1, I hereby certify that this matter is not the subject of any other action pending in any other court or of a pending arbitration proceeding.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Plaintiff hereby designates Christopher Konzelmann, Esquire as trial counsel in this matter.

WHITE AND WILLIAMS LLP
Attorneys for Plaintiff,

BY: 

Christopher Konzelmann

Dated: April 29, 2014